

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALYSSA SUKANA and ANDREA CANEDO,

Plaintiffs,

-against-

**STIPULATION AND  
ORDER OF DISMISSAL**

21CV10899 (LJL) (BCM)

THE CITY OF NEW YORK; NEW YORK CITY MAYOR  
BILL DE BLASIO; NEW YORK POLICE DEPARTMENT  
("NYPD") COMMISSIONER DERMOT SHEA; NYPD  
CHIEF OF DEPARTMENT TERENCE MONAHAN; NYPD  
ASSISTANT CHIEF KENNETH LEHR; NYPD LEGAL  
BUREAU SERGEANT KENNETH RICE NYPD  
INSPECTOR ROBERT GALLITELLI; NYPD BUREAU  
CHIEF HARRY WEDIN; NYPD DEPUTY CHIEF JOHN  
D'ADAMO; NYPD DEPUTY CHIEF GERARD DOWLING;  
NYPD CAPTAIN JULIO DELGADO; NYPD OFFICER  
DACIA WEBB; AND NYPD MEMBERS JOHN AND JANE  
DOES #1-92,

Defendants.

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**WHEREAS**, the parties have reached a settlement agreement and now desire to  
resolve the remaining issues raised in this litigation, without further proceedings and without  
admitting any fault or liability;


**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, that

- 1 . The above-referenced action is hereby dismissed with prejudice; and

2. Notwithstanding the dismissal of this action in accordance with this agreement, the District Court shall continue to retain jurisdiction over this action for the purpose of enforcing the terms of the settlement agreement reached between the parties and set forth in the Stipulation of Settlement executed by the parties in this matter.

Dated: New York, New York  
May 5, 2023

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*Attorneys for Plaintiffs*  
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Ridgewood, NY 11385  
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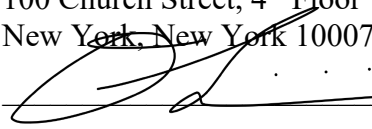
By:   
Elena Cohen

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By:   
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HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants City of New York;  
Mayor Bill De Blasio; New York Police  
Department ("NYPD") Commissioner  
Dermot Shea; NYPD Chief of  
Department Terence Monahan; Assistant  
Chief Kenneth Lehr; Legal Bureau  
Sergeant Kenneth Rice; Inspector Robert  
Gallitelli; Bureau Chief Harry Wedin;  
Deputy Chief John D'Adamo; Deputy  
Chief Gerard Dowling; Captain Julio  
Delgado; and Officer Dacia Webb*

100 Church Street, 4<sup>th</sup> Floor  
New York, New York 10007

By:   
Omar J. Siddiqi  
*Senior Counsel*

SO ORDERED:

HON. HON LEWIS J. LIMAN  
UNITED STATES DISTRICT JUDGE

Dated: \_\_\_\_\_, 2023

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

Alyssa Sukana, et al.,

Plaintiffs,

-against-

The City of New York, et al.,

Defendants.

**STIPULATION OF  
SETTLEMENT**

21CV10899(UA) (LJL)  
(BCM)

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**WHEREAS**, plaintiffs commenced this action by filing a complaint on or about October 4, 2022, alleging that the defendants violated plaintiffs’ federal civil and state common law rights; and

**WHEREAS**, defendants City of New York; Mayor Bill De Blasio; New York Police Department (“NYPD”) Commissioner Dermot Shea; NYPD Chief of Department Terence Monahan; Assistant Chief Kenneth Lehr; Legal Bureau Sergeant Kenneth Rice; Inspector Robert Gallitelli; Bureau Chief Harry Wedin; Deputy Chief John D’Adamo; Deputy Chief Gerard Dowling; Captain Julio Delgado; and Officer Dacia Webb have denied any and all liability arising out of plaintiffs’ allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees except as specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Andrea Canedo the sum of Twenty-One Thousand Five Hundred (\$21,500.00) Dollars; plaintiff Alyssa Sukana the sum of Twenty-One Thousand Five Hundred (\$21,500.00) Dollars; and attorney COHEN&GREEN P.L.L.C. as counsel for plaintiffs the sum of Fifty-Seven Thousand (\$57,000.00) Dollars; in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of these sums, plaintiffs agree to dismissal of all the claims against the defendants and to release defendants City of New York; Mayor Bill De Blasio; New York Police Department ("NYPD") Commissioner Dermot Shea; NYPD Chief of Department Terence Monahan; Assistant Chief Kenneth Lehr; Legal Bureau Sergeant Kenneth Rice; Inspector Robert Gallitelli; Bureau Chief Harry Wedin; Deputy Chief John D'Adamo; Deputy Chief Gerard Dowling; Captain Julio Delgado; and Officer Dacia Webb; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of plaintiffs' civil rights and any and all related state law claims, from the beginning of the world to the date of the General Releases, including claims for costs, expenses, and attorneys' fees.

3. Plaintiffs each shall execute and serve on the City of New York's attorney by legal tender (either by personal service certified mail at 100 Church Street, New York, New York 10007 or by e-mail to Omar Siddiqi, Esq.) all documents necessary to effect this settlement, including, without limitation, a General Release, based on the terms of paragraph "2"

above, IRS Form W-9, and an Affidavit of Status of Liens. Prior to tendering the requisite documents to effect this settlement, Medicare-recipient plaintiffs must obtain and submit a final demand letter from their Medicare provider(s) for the reimbursement of any conditional payments made for the injuries claimed in this matter. A Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.


6. Plaintiffs agree to hold harmless defendants regarding any past and/or future Medicare claims, presently known or unknown, in connection with this matter. If Medicare claims are not satisfied, defendants reserve the right to issue a multiparty settlement check naming the Medicare provider as a payee or to issue a check directly to the Medicare provider for the amount claimed in the Medicare provider's final demand letter.

7. This Stipulation of Settlement contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation of Settlement regarding the


subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
May 5, 2023

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